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09/873,388	06/05/2001	Naozumi Jogo	Q64739	4587

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
2672	6

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,388

Applicant(s)

JOGO, NAOZUMI

Examiner

Motilewa A. Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to the following communication: Application, filed 06/05/2001; Amendment A, filed 06/05/2001.

This action is made final.

2. Claims 1-16 are pending in this application. Claims 1 and 5-7 are independent claims.

3. The present title of this application is "Image Croppin and Synthesizing Method, and Imaging Apparatus" (as originally filed).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ghislain Bossut et al., U.S. Patent Number 6,195,101, "Method and System for Image Templates", class 345/629, 02/27/2001, filed 04/06/1998.

As per independent claim 1, a method of cropping and synthesizing an image on a screen comprising the steps of: (Ghislain Bossut discloses image cropping, col. 2, lines 3-4; and image rendering, i.e. synthesizing, for display or print, col. 6, line 39)

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displaying a crop boundary with a reference point on an image to synthesize on said screen . . . said crop boundary having a corresponding shape to that of said frame of said selected template . . . variable in size . . . and centered on said reference point (Ghislain Bossut discloses importing a user-defined graphics edit, i.e. cropping, into a template, col. 3, lines 25-26; the user-defined graphics edit containing geometric parameters; i.e. points, lines, angles; to automate the positioning, col. 2, lines 65-67; a rectangular zone of interest, i.e. crop boundary; and a center matching method, col. 10, lines 40 – col. 11, line 8; see also figure 4) moving said crop boundary . . . enlarging or reducing said crop boundary of said reference point . . . ; (Ghislain Bossut discloses positioning, i.e. moving, an image relative to a cutout including the zone of interest and scaling and translating the image, col. 4, lines 24-30; and discloses the user modifying the positioning using tools in the user interface, col. 9, lines 58-60) cropping an image of said bounded area; (Ghislain Bossut discloses a significant portion of zone of interest constrained so the cutout remains within the image, col. 4, lines 24-36) and pasting said cropped image in said frame of said template . . . (Ghislain Bossut discloses glue properties for automatic positioning of the templates and images, col. 9, lines 29-49)

With respect to dependent claim 2, said reference point is located inside said crop boundary at a constant position relative to said crop boundary. (Ghislain Bossut discloses the zone of interest is a rectangular zone of the image containing a feature that constitutes the real subject, col. 10, lines 12-19, and further discloses using geometric parameters; i.e. points, line, angles; to automate the position, col. 2, lines 65-67)

With respect to dependent claim 3, cropped image is automatically enlarged or reduced in accordance with the size of said frame of said selected template. (Ghislain Bossut discloses glue properties for automatic positioning of the templates and images, col. 9, lines 29-49)

With respect to dependent claim 4, displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . and moving at least one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point . . . (Ghislain Bossut discloses automatically detecting the zone of interest and a cutout for the part of the picture which is visible and a transformation matrix to translate and scale the shape of the image, col. 9, lines 20 - col. 10)

As per independent claim 5, an image cropping method comprising the steps of: displaying an image on said screen; (Ghislain Bossut discloses in figures 1 and 4) displaying a crop boundary with a reference point on said image on said screen . . . crop boundary having an equal aspect ratio to that of said designated frame size . . . (Ghislain Bossut discloses positioning an image relative to a cutout without changing the aspect ratio of the image, including the zone of interest, i.e. crop boundary, col. 4, lines 24-30) moving said crop boundary on said screen through an operation device, to place a predetermined reference point of said crop boundary . . . enlarging or reducing said crop boundary about said reference point . . . (Ghislain Bossut discloses positioning, i.e. moving, an image relative to a cutout including the zone of interest and scaling and translating the image, col. 4, lines 24-30; and discloses the user modifying

the positioning using tools in the user interface, col. 9, lines 58-60) and enlarging or reducing said cropped image in accordance with said frame size. (Ghislain Bossut discloses re-centering and re-scaling the zone of interest to maximize the zone of interest through the cutout so the image frame surrounds the cutout, col. 10, lines 40-44)

As per independent claim 6, an image cropping method comprising the steps of: displaying an image on said screen; (Ghislain Bossut discloses in figures 1 and 4) displaying a crop boundary with a reference point on said image on said screen . . . crop boundary having an equal aspect ratio to that of said designated frame size . . . and being centered . . . ; (Ghislain Bossut discloses positioning an image relative to a cutout without changing the aspect ratio of the image, including the zone of interest, i.e. crop boundary, col. 4, lines 24-30, and discloses a center matching method, col. 10, line 63-65) displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . ; (Ghislain Bossut discloses in figure 4 reference lines inside a zone of interest of an image to be cutout) moving said crop boundary together with said reference lines on said screen through an operation device . . . ; (Ghislain Bossut discloses the user-defined graphics edit containing geometric parameters; i.e. points, lines, angles; to automate the positioning, col. 2, lines 65-67; and the user modifying the positioning using tools in the user interface, col. 9, lines 58-60) moving at least one of said reference line on said screen through said operation device while keeping said reference point on said appropriate point of said image . . . ; (Ghislain Bossut discloses specifying a zone of interest in the placeholder image in the template

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for the cutout of the image using user interface tools to place the subject in the placeholder cutout, col. 10, lines 17-31, and further discloses geometric parameters; i.e. points, lines, angles; to automate the positioning, col. 2, lines 65-67) enlarging or reducing said crop boundary about said reference point automatically . . . ; (Ghislain Bossut discloses translating and scaling the image so that the significant position of the zone of interest is within the cutout, col. 4, lines 27-30) cropping an image of an area of said image . . . and enlarging or reducing said cropped image . . . (Ghislain Bossut discloses translating and scaling the image so that the significant position of the zone of interest is within the cutout, col. 4, lines 27-30)

As per independent claim 7 and dependent claim 8, they are rejected based upon similar rational as above independent claim 1 and dependent claim 4.

With respect to dependent claim 9, display device displays samples of said different kinds of templates on said screen in a small size before one of said templates is selected. (Ghislain Bossut discloses cutouts for templates, col. 11, lines 5-8, see also figure 4)

With respect to dependent claim 10, display device displays a plurality of images in a small size on said screen, among which said image to synthesize may be selected from and is displayed in a large size after being selected. (Ghislain Bossut discloses in figures 1 and 4)

With respect to dependent claim 11, display device displays said synthesized image on said screen after said image synthesizing device completes pasting said cropped image in said frame of said template. (Ghislain Bossut discloses in figure 1)

With respect to dependent claim 12, an image input device for inputting image data, and a printer for printing out said synthesized image. (Ghislain Bossut discloses image rendering for display or print, col. 6, line 39)

With respect to dependent claims 13-16, the appropriated area of said image corresponds to a region of interest selectable by a user. (Ghislain discloses the designer can specify a zone of interest in the image used in the template when designing the cutout of the image, col. 10, lines 16-20)

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

7. Applicant's arguments filed 08/07/2003 have been fully considered but they are not persuasive.

Applicant argues that Ghislain Bossut fails to disclose displaying a crop boundary with a reference point on an image to synthesize on a screen, upon selecting a template having at least a frame, the crop boundary having a corresponding shape to that of the frame, in particular, a crop boundary with a reference point. Ghislain discloses user-defined edit, i.e. crop; containing geometric parameters, i.e. point. Applicant argues that nothing in the reference teaches or suggests a crop boundary with a reference point. Geometry is defined as the mathematics of the properties, measurement, and relationships of points, lines, angles, surfaces, and solids, therefore it is inherent that geometric parameters would constitute those parameters that define the mathematics of the properties, measurement, and relationships and include points, lines, angles, surfaces and solids. Furthermore, Ghislain discloses in order to render a desired portion of the image it is necessary to apply the equation at the points that correspond to the desired portion, col. 6, lines 61-67, therefore constituting a reference point.

Applicant argues that Ghislain fails to disclose pasting the cropped image in the frame of the template after enlarging or reducing the cropped image. Ghislain discloses the user can make edits to the object and the edits are available to be applied to other templates, col. 7, lines 60-62, thus the application of the edited images does not imply substitution or repositioning. Ghislain discloses in the cited portion the glue properties

are used that in repositioning may be required to correctly place an image into a cutout originally designed for another image, however, if the image is not designed for another image the glue property is used to place a picture on a template.

Applicant argues that Ghislain fails to disclose the reference point being located inside the crop boundary at a constant position relative to the crop boundary. Ghislain discloses a Delean system used to perform the image edits, and further disclose the system using image compositing for image layer and the FITS algorithm evaluates the FITS at selected grid point, therefore providing a reference point to perform geometric edits, such as rotation, scaling and deformation, col. 6.

Applicant argues that Ghislain fails to disclose in the cited portion automatic reducing or enlarging of the cropped image in accordance with the size of the frame of the selected template. Ghislain discloses making the positioning of the images automatic and using a placeholder image to undergo modifications to fit the scaling and translation of the shape and using the modifications to position the primary image correctly.

Applicant argues that Ghislain fails to disclose displaying a crop boundary with a reference point having an equal aspect ratio to that of the designated frame size and being variable in size while keeping the same aspect ratio to that of the designated frame size. The Applicant argues that the cited portion discloses the aspect ratio is not changed and the image is translated and scaled and it is clear that not all the zone of interest is within the cutout. Ghislain further discloses the positioning and scaling of the image within the cutout is determined in a way that the aspect ratio is preserved and the

zone of interest shows through the cutout and that the zone of interest can not be positioned or reduced in size beyond the point where the frame no longer encompass the cutout frame, col. 11, lines 1-19, therefore the aspect ratio of the zone is the same as that of the frame.

Applicant argues that Ghislain fails to disclose the reference point and the enlarging or reducing of the crop boundary about the reference point. Ghislain discloses a Delean system used to perform the image edits, and further disclose the system using image compositing for image layer and the FITS algorithm evaluates the FITS at selected grid point, therefore providing a reference point to perform geometric edits, such as rotation, scaling and deformation, col. 6.

Lastly, Applicant argues that Ghislain fails to disclose the display device displays samples of different kinds of templates on a screen in a small size before one of the templates is selected. Ghislain discloses in figure 5, shown is three different templates in small size, which are editable and can be used with a image object and a background image object, col. 12, lines 6-9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj
February 10, 2004



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
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